

# **JOURNAL OF THE HOUSE**

## **NINETIETH SESSION**

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EIGHTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, February 9, 2015

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by House pages Tyana Gottsleben and Mariah Kessler.

Roll Call: All members present except Reps. Hawks, Novstrup, and Verchio who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Dean Wink, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Wink to the following named pages:

2 Brett Carley, Maria Corio, Braeden Edleman, Alexandra Farber, Tyana Gottsleben, Lauren  
3 Groeger, Taylee Hudson, Payton Jones, Mariah Kessler, Levi Knight, Lathan Lauing, Marissa  
4 Leber, Johanna Lippert, Jamie Mundwiler, Daylee Olson, Jackson Peterson, Karlee Peterson,  
5 Grant Russell, Kyler Simmons, Ben Stiegelmeier, Caleb Willis.

6 Which was subscribed to and placed on file in the office of the Secretary of State.

7 **COMMUNICATIONS AND PETITIONS**

8 February 9, 2015

9 Mr. Speaker and Members of the House of Representatives:

10 I have the honor to inform you that on February 9, 2015, I approved House Bills 1012, 1016,  
11 1017, 1018, 1019, 1024, 1025, 1028, and 1036, and the same have been deposited in the office  
12 of the Secretary of State.

13 Respectfully submitted,  
14 Dennis Daugaard  
15 Governor

16 **REPORTS OF STANDING COMMITTEES**

17 MR. SPEAKER:

18 The Committee on State Affairs respectfully reports that it has had under consideration  
19 HB 1116 and 1195 and HJR 1002 and returns the same with the recommendation that said bills  
20 and resolution do pass.

21 Also MR. SPEAKER:

22 The Committee on State Affairs respectfully reports that it has had under consideration  
23 HB 1108 and 1175 and HJR 1006 which were deferred to the 41<sup>st</sup> Legislative Day.

24 Respectfully submitted,  
25 Brian G. Gosch, Chair

1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration  
3 HB 1148 and returns the same with the recommendation that said bill do pass and be placed on  
4 the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on Education respectfully reports that it has had under consideration  
7 HB 1072 and returns the same with the recommendation that said bill be amended as follows:

8 1072ca

9 On page 1, line 8, of the printed bill, delete everything after "and".

10 On page 1, line 9, delete everything before "to".

11 And that as so amended said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on Education respectfully reports that it has had under consideration  
14 HB 1077 which was deferred to the 41<sup>st</sup> Legislative Day.

15 Respectfully submitted,  
16 Jacqueline Sly, Chair

17 MR. SPEAKER:

18 The Committee on Commerce and Energy respectfully reports that it has had under  
19 consideration HB 1180 and returns the same with the recommendation that said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Commerce and Energy respectfully reports that it has had under  
22 consideration HB 1178 and returns the same with the recommendation that said bill do pass and  
23 be placed on the consent calendar.

24 Also MR. SPEAKER:

25 The Committee on Commerce and Energy respectfully reports that it has had under  
26 consideration HB 1236 and returns the same with the recommendation that said bill be amended  
27 as follows:

1 1236oa

2 On page 1 of the printed bill, delete lines 10 to 12, inclusive, and insert "prohibits a  
3 licensed and appointed producer upon receiving a commission from sharing this compensation  
4 with other insurance producers if those insurance producers are licensed in the line of business  
5 for which the original commission was received.".

6 And that as so amended said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on Commerce and Energy respectfully reports that it has had under  
9 consideration HB 1222 which was tabled.

10 Also MR. SPEAKER:

11 The Committee on Commerce and Energy respectfully reports that it has had under  
12 consideration HB 1182 which was deferred to the 41<sup>st</sup> Legislative Day.

13 Respectfully submitted,  
14 Tim Rounds, Chair

15 Also MR. SPEAKER:

16 The Committee on Judiciary respectfully reports that it has had under consideration  
17 HB 1142 and returns the same with the recommendation that said bill do pass and be placed on  
18 the consent calendar.

19 Also MR. SPEAKER:

20 The Committee on Judiciary respectfully reports that it has had under consideration  
21 HB 1173 and returns the same with the recommendation that said bill be amended as follows:

22 1173fb

23 On the printed bill, delete everything after the enacting clause and insert:

24 " Section 1. That § 15-17-51 be amended to read as follows:

25 15-17-51. If a civil, including an action for appeal of a zoning decision, action or special  
26 proceeding is dismissed or requested relief is denied and if the court determines that it was  
27 frivolous or brought for malicious purposes, the court shall order the party whose claim, cause  
28 of action, or defense was dismissed or denied to pay part or all expenses incurred by the person  
29 party defending the matter, including reasonable attorneys' fees."

1 1173fta

2 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise  
3 certain provisions regarding liability of parties involved in frivolous or malicious civil actions.".

4 And that as so amended said bill do pass.

5 Also MR. SPEAKER:

6 The Committee on Judiciary respectfully reports that it has had under consideration  
7 HB 1160 which was deferred to the 41<sup>st</sup> Legislative Day.

8 Respectfully submitted,  
9 G. Mark Mickelson, Chair

10 **MESSAGES FROM THE SENATE**

11 MR. SPEAKER:

12 I have the honor to return herewith HB 1007, 1008, 1009, 1010, 1011, 1053, and 1054  
13 which have passed the Senate without change.

14 Also MR. SPEAKER:

15 I have the honor to transmit herewith SB 97 and 125 which have passed the Senate and  
16 your favorable consideration is respectfully requested.

17 Respectfully,  
18 Kay Johnson, Secretary

19 **MOTIONS AND RESOLUTIONS**

20 Rep. Gosch moved that

21 HB 1218 be referred from the Committee on Education to the Committee on State Affairs  
22 and

23 HB 1226 be referred from the Committee on Education to the Committee on State Affairs.

24 Which motion prevailed.

1                                   **CONSIDERATION OF REPORTS OF COMMITTEES**

2           Rep. Gosch moved that the reports of the Standing Committees on  
3           Appropriations on HB 1188 as found on page 321 of the House Journal; also  
4           Appropriations on HB 1191 as found on page 321 of the House Journal; also  
5           Appropriations on HB 1192 as found on page 322 of the House Journal; also  
6           Appropriations on SB 43 as found on page 322 of the House Journal; also  
7           Commerce and Energy on HB 1094 as found on page 323 of the House Journal; also  
8           Commerce and Energy on HB 1105 as found on page 324 of the House Journal be adopted.  
9           Which motion prevailed.

10                               **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11           SB 97: FOR AN ACT ENTITLED, An Act to revise the allowable penalties for a person  
12           admitted to drug court.

13           Was read the first time and referred to the Committee on Judiciary.

14           SB 125: FOR AN ACT ENTITLED, An Act to revise the minimum suspension  
15           requirements for students participating in extracurricular activities.

16           Was read the first time and referred to the Committee on Education.

17                               **SECOND READING OF CONSENT CALENDAR ITEMS**

18           HB 1137: FOR AN ACT ENTITLED, An Act to exclude the passing time between classes  
19           in the number of hours required in the school term for secondary students.

20           Was read the second time.

21           The question being "Shall HB 1137 pass?"

22           And the roll being called:

23           Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
3 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);  
4 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
5 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
6 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;  
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;  
9 Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Hawks; Novstrup (Al); Verchio

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1144: FOR AN ACT ENTITLED, An Act to repeal and revise certain unnecessary and  
15 outdated provisions related to state affairs and government.

16 Was read the second time.

17 The question being "Shall HB 1144 pass?"

18 And the roll being called:

19 Yeas 67, Nays 0, Excused 3, Absent 0

20 Yeas:

21 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
22 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);  
23 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
24 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
25 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;  
26 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
27 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;  
28 Wollmann; Zikmund; Speaker Wink

29 Excused:

30 Hawks; Novstrup (Al); Verchio

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.

1           **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2           HB 1080: FOR AN ACT ENTITLED, An Act to authorize the use of investigational  
3 treatments for patients under certain conditions and to restrict certain causes of action arising  
4 from investigational treatment.

5           Having had its second reading was up for consideration and final passage.

6           1080oa

7           Rep. Heinemann moved that HB 1080 be amended as follows:

8           On page 4, line 9, of the printed bill, delete "medial" and insert "medical".

9           Which motion prevailed.

10          The question being "Shall HB 1080 pass as amended?"

11          And the roll being called:

12          Yeas 66, Nays 1, Excused 3, Absent 0

13          Yeas:

14 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
15 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggard (Don);  
16 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
17 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
18 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm; Ring;  
19 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish; Schrempp; Sly; Soli;  
20 Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann; Zikmund;  
21 Speaker Wink

22          Nays:

23 Rasmussen

24          Excused:

25 Hawks; Novstrup (Al); Verchio

26          So the bill having received an affirmative vote of a majority of the members-elect, the  
27 Speaker declared the bill passed and the title was agreed to.



1 HB 1128: FOR AN ACT ENTITLED, An Act to protect certain homestead exemption  
2 interests during sale of homestead or separation of owners.

3 Having had its second reading was up for consideration and final passage.

4 1128ra

5 Rep. Hickey moved that HB 1128 be amended as follows:

6 On page 2, line 20, of the printed bill, delete everything after "." .

7 On page 2, delete lines 21 to 24, inclusive.

8 On page 2, after line 24, insert:

9 " Section 4. That § 43-45-3 be amended to read as follows:

10 43-45-3. A homestead:

11 (1) As defined and limited in chapter 43-31, is absolutely exempt; or

12 (2) In the event such homestead is sold under the provisions of chapter 21-19, or is sold  
13 by the owner voluntarily, the proceeds of such sale, not exceeding the sum of sixty  
14 thousand dollars, is absolutely exempt for a period of one year after the receipt of  
15 such proceeds by the owner. If the homestead is divided by court order pursuant to  
16 § 25-4-44 and a lien is imposed on the homestead for the benefit of the nonoccupant  
17 spouse pursuant to § 25-4-42, absence from the homestead and loss of title to the  
18 homestead pursuant to the court order, does not constitute forfeiture of the homestead  
19 exemption and homestead protection shall attach to the judicial lien for a period of  
20 one year. Such exemption shall be limited to one hundred seventy thousand dollars  
21 for a homestead of a person seventy years of age or older or the unremarried  
22 surviving spouse of such person so long as it continues to possess the character of a  
23 homestead."

24 Which motion prevailed.

25 The question being "Shall HB 1128 pass as amended?"

26 And the roll being called:

27 Yeas 61, Nays 6, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch;  
3 DiSanto; Duvall; Feickert; Gibson; Gosch; Hagggar (Don); Harrison; Haugaard; Hawley;  
4 Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman; Klumb;  
5 Langer; Latterell; Marty; McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge;  
6 Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer;  
7 Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner;  
8 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Cronin; Dryden; Greenfield (Lana); Jensen (Alex); Kaiser; May

11 Excused:

12 Hawks; Novstrup (Al); Verchio

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1129: FOR AN ACT ENTITLED, An Act to revise the property exempt from process  
16 in bankruptcy cases.

17 Was read the second time.

18 The question being "Shall HB 1129 pass as amended?"

19 And the roll being called:

20 Yeas 40, Nays 27, Excused 3, Absent 0

21 Yeas:

22 Anderson; Bolin; Bordeaux; Brunner; Campbell; Craig; DiSanto; Duvall; Gibson; Gosch;  
23 Hagggar (Don); Haugaard; Hickey; Hunt; Johns; Killer; Klumb; Langer; Latterell; Mickelson;  
24 Munsterman; Otten (Herman); Peterson (Kent); Rasmussen; Ring; Russell; Schaefer;  
25 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wollmann;  
26 Zikmund; Speaker Wink

27 Nays:

28 Bartling; Beal; Conzet; Cronin; Deutsch; Dryden; Feickert; Greenfield (Lana); Harrison;  
29 Hawley; Heinemann (Leslie); Holmes; Hunhoff (Jean); Jensen (Alex); Kaiser; Kirschman;  
30 Marty; May; McCleerey; Partridge; Qualm; Romkema; Rounds; Rozum; Schoenbeck; Wiik;  
31 Willadsen

32 Excused:

33 Hawks; Novstrup (Al); Verchio

34 So the bill having received an affirmative vote of a majority of the members-elect, the  
35 Speaker declared the bill passed and the title was agreed to.

1 HB 1089: FOR AN ACT ENTITLED, An Act to ban the practice of female genital  
2 mutilation in the state, to provide a penalty therefor, and to declare an emergency.

3 Was read the second time.

4 The question being "Shall HB 1089 pass?"

5 And the roll being called:

6 Yeas 61, Nays 6, Excused 3, Absent 0

7 Yeas:

8 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
9 Deutsch; DiSanto; Feickert; Gibson; Gosch; Greenfield (Lana); Hagggar (Don); Haugaard;  
10 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Johns; Killer; Kirschman;  
11 Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Otten (Herman);  
12 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell;  
13 Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra;  
14 Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

15 Nays:

16 Dryden; Duvall; Harrison; Jensen (Alex); Kaiser; Schoenbeck

17 Excused:

18 Hawks; Novstrup (Al); Verchio

19 So the bill having received an affirmative vote of a two-thirds majority of the members-  
20 elect, the Speaker declared the bill passed and the title was agreed to.

21 HB 1113: FOR AN ACT ENTITLED, An Act to repeal and revise certain motor vehicle  
22 and boat damage and salvage disclosure requirements.

23 Was read the second time.

24 The question being "Shall HB 1113 pass?"

25 And the roll being called:

26 Yeas 67, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
3 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
4 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
5 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
6 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;  
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;  
9 Wollmann; Zikmund; Speaker Wink

10 Excused:

11 Hawks; Novstrup (Al); Verchio

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 HB 1122: FOR AN ACT ENTITLED, An Act to authorize township boards to designate  
15 certain roads as no maintenance roads.

16 Was read the second time.

17 1122fc

18 Rep. Otten moved that HB 1122 be amended as follows:

19 On page 2 of the printed bill, delete lines 4 to 5, inclusive, and insert:

20 " The board of township supervisors may close a road to vehicle travel if the road is unsafe  
21 for vehicle travel. The board may also designate a closed road as a no maintenance road."

22 On page 2, line 12, before "travel" insert "vehicle".

23 Which motion prevailed.

24 The question being "Shall HB 1122 pass as amended?"

25 And the roll being called:

26 Yeas 61, Nays 6, Excused 3, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Deutsch; DiSanto;  
3 Dryden; Duvall; Feickert; Gibson; Greenfield (Lana); Haggar (Don); Harrison; Haugaard;  
4 Hawley; Heinemann (Leslie); Hickey; Holmes; Hunt; Jensen (Alex); Kaiser; Killer; Kirschman;  
5 Klumb; Langer; Latterell; Marty; May; McCleerey; Mickelson; Munsterman; Otten (Herman);  
6 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rozum; Russell; Schaefer;  
7 Schoenbeck; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner;  
8 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

9 Nays:

10 Beal; Cronin; Gosch; Hunhoff (Jean); Johns; Rounds

11 Excused:

12 Hawks; Novstrup (Al); Verchio

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 HB 1100: FOR AN ACT ENTITLED, An Act to clarify how a vacancy on a school board  
16 is filled.

17 Was read the second time.

18 The question being "Shall HB 1100 pass?"

19 And the roll being called:

20 Yeas 67, Nays 0, Excused 3, Absent 0

21 Yeas:

22 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
23 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
24 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
25 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
26 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;  
27 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
28 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;  
29 Wollmann; Zikmund; Speaker Wink

30 Excused:

31 Hawks; Novstrup (Al); Verchio

32 So the bill having received an affirmative vote of a majority of the members-elect, the  
33 Speaker declared the bill passed and the title was agreed to.

1 HB 1155: FOR AN ACT ENTITLED, An Act to require that information be provided to  
2 a pregnant mother whose child tests positive for Down syndrome.

3 Was read the second time.

4 1155ra

5 Rep. Latterell moved that HB 1155 be amended as follows:

6 On page 1, line 11, of the printed bill, delete "primary".

7 On page 1, line 12, delete "receiving" and insert "delivering".

8 On page 1, line 13, delete everything after "providing" and insert "printed materials  
9 provided by the Department of Health that contain".

10 On page 3, line 4, delete everything before "the" and insert "Printed materials provided by  
11 the Department of Health that contain".

12 Which motion prevailed.

13 The question being "Shall HB 1155 pass as amended?"

14 And the roll being called:

15 Yeas 52, Nays 15, Excused 3, Absent 0

16 Yeas:

17 Anderson; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;  
18 Duvall; Gosch; Greenfield (Lana); Haggard (Don); Haugaard; Heinemann (Leslie); Hickey;  
19 Hunhoff (Jean); Hunt; Johns; Kaiser; Kirschman; Klumb; Langer; Latterell; Marty; May;  
20 Mickelson; Otten (Herman); Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema;  
21 Russell; Schaefer; Schoenbeck; Schoenfish; Sly; Solum; Stalzer; Stevens; Tulson; Werner;  
22 Westra; Wiik; Willadsen; Wollmann; Zikmund; Speaker Wink

23 Nays:

24 Bartling; Bordeaux; Feickert; Gibson; Harrison; Hawley; Holmes; Jensen (Alex); Killer;  
25 McCleerey; Munsterman; Rounds; Rozum; Schrempp; Soli

26 Excused:

27 Hawks; Novstrup (Al); Verchio

28 So the bill having received an affirmative vote of a majority of the members-elect, the  
29 Speaker declared the bill passed and the title was agreed to.

1 HB 1176: FOR AN ACT ENTITLED, An Act to authorize a person to be on the general  
2 election ballot for president or vice president and another office.

3 Was read the second time.

4 The question being "Shall HB 1176 pass?"

5 And the roll being called:

6 Yeas 50, Nays 17, Excused 3, Absent 0

7 Yeas:

8 Anderson; Beal; Bolin; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto; Dryden;  
9 Duvall; Gosch; Haggar (Don); Harrison; Haugaard; Heinemann (Leslie); Holmes; Hunt; Jensen  
10 (Alex); Johns; Klumb; Langer; Latterell; Marty; May; Mickelson; Munsterman; Otten  
11 (Herman); Partridge; Qualm; Rasmussen; Romkema; Rounds; Rozum; Russell; Schaefer;  
12 Schoenbeck; Schoenfish; Sly; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik;  
13 Wollmann; Zikmund; Speaker Wink

14 Nays:

15 Bartling; Bordeaux; Feickert; Gibson; Greenfield (Lana); Hawley; Hickey; Hunhoff (Jean);  
16 Kaiser; Killer; Kirschman; McCleerey; Peterson (Kent); Ring; Schrempp; Soli; Willadsen

17 Excused:

18 Hawks; Novstrup (Al); Verchio

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1179: FOR AN ACT ENTITLED, An Act to revise the definition of a veteran.

22 Was read the second time.

23 Rep. Gosch moved that HB 1179 be deferred to Tuesday, February 10, the 19<sup>th</sup> legislative  
24 day.

25 Which motion prevailed.

26 HB 1048: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding state  
27 hosting and employee reimbursement policies.

28 Was read the second time.

1 The question being "Shall HB 1048 pass?"

2 And the roll being called:

3 Yeas 57, Nays 10, Excused 3, Absent 0

4 Yeas:

5 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Conzet; Cronin; Dryden; Duvall; Feickert;  
6 Gibson; Gosch; Haggar (Don); Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey;  
7 Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Killer; Kirschman; Klumb; Langer;  
8 Latterell; McCleerey; Mickelson; Munsterman; Otten (Herman); Peterson (Kent); Qualm;  
9 Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenbeck; Schoenfish; Schrempp;  
10 Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen; Wollmann;  
11 Zikmund; Speaker Wink

12 Nays:

13 Campbell; Craig; Deutsch; DiSanto; Greenfield (Lana); Kaiser; Marty; May; Partridge; Russell

14 Excused:

15 Hawks; Novstrup (Al); Verchio

16 So the bill having received an affirmative vote of a majority of the members-elect, the  
17 Speaker declared the bill passed and the title was agreed to.

18 HB 1189: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds  
19 for elderly persons and persons with a disability and to declare an emergency.

20 Was read the second time.

21 The question being "Shall HB 1189 pass?"

22 And the roll being called:

23 Yeas 67, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Anderson; Bartling; Beal; Bolin; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin;  
26 Deutsch; DiSanto; Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Haggar (Don);  
27 Harrison; Haugaard; Hawley; Heinemann (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt;  
28 Jensen (Alex); Johns; Kaiser; Killer; Kirschman; Klumb; Langer; Latterell; Marty; May;  
29 McCleerey; Mickelson; Munsterman; Otten (Herman); Partridge; Peterson (Kent); Qualm;  
30 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenbeck; Schoenfish;  
31 Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Werner; Westra; Wiik; Willadsen;  
32 Wollmann; Zikmund; Speaker Wink

33 Excused:

34 Hawks; Novstrup (Al); Verchio



1 So the bill having received an affirmative vote of a two-thirds majority of the members-  
2 elect, the Speaker declared the bill passed and the title was agreed to.

3 HB 1103: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to  
4 comparative negligence.

5 Was read the second time.

6 The question being "Shall HB 1103 pass?"

7 And the roll being called:

8 Yeas 54, Nays 13, Excused 3, Absent 0

9 Yeas:

10 Bartling; Beal; Bordeaux; Brunner; Campbell; Conzet; Craig; Cronin; Deutsch; DiSanto;  
11 Dryden; Duvall; Feickert; Gibson; Gosch; Greenfield (Lana); Harrison; Haugaard; Heinemann  
12 (Leslie); Hickey; Holmes; Hunhoff (Jean); Hunt; Jensen (Alex); Johns; Kaiser; Killer;  
13 Kirschman; Klumb; Langer; Latterell; McCleerey; Mickelson; Munsterman; Otten (Herman);  
14 Partridge; Peterson (Kent); Qualm; Rasmussen; Ring; Romkema; Rozum; Schaefer;  
15 Schoenbeck; Schoenfish; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Westra; Wollmann;  
16 Speaker Wink

17 Nays:

18 Anderson; Bolin; Haggard (Don); Hawley; Marty; May; Rounds; Russell; Schrempp; Werner;  
19 Wiik; Willadsen; Zikmund

20 Excused:

21 Hawks; Novstrup (Al); Verchio

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed and the title was agreed to.

24 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 Rep. Gosch moved that SB 61, 34, 14, 15, 18, and 46 be deferred to Tuesday, February 10,  
26 the 19<sup>th</sup> legislative day.

27 Which motion prevailed.

28 There being no objection, the House reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1014, 1061, 1062, and 1065 were delivered to his Excellency, the Governor, for his approval at 9:44 a.m., February 9, 2015.

Also MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1007, 1008, 1009, 1010, 1011, 1053, and 1054 and finds the same correctly enrolled.

Respectfully submitted,  
Dean Wink, Chair

## SIGNING OF BILLS

The Speaker publicly read the title to

HB 1007: FOR AN ACT ENTITLED, An Act to revise and update certain provisions relating to the South Dakota Retirement System.

HB 1008: FOR AN ACT ENTITLED, An Act to provide for a consistent refund methodology for members of the South Dakota Retirement System and their beneficiaries.

HB 1009: FOR AN ACT ENTITLED, An Act to limit the recovery of certain overpayments made by the South Dakota Retirement System.

HB 1010: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to disability and surviving spouse benefits for members of the South Dakota Retirement System.

HB 1011: FOR AN ACT ENTITLED, An Act to provide for automatic increases in the accounts of automatically-enrolled participants of the deferred compensation plan of the South Dakota Retirement System.

HB 1053: FOR AN ACT ENTITLED, An Act to repeal and revise certain outdated provisions related to the Department of Game, Fish and Parks.

HB 1054: FOR AN ACT ENTITLED, An Act to revise certain record keeping and inspection requirements for fur dealers.

SB 12: FOR AN ACT ENTITLED, An Act to allow the spouse of an active duty military person to qualify as a resident for a temporary permit to carry a concealed pistol.

And signed the same in the presence of the House.

## COMMEMORATIONS

HC 1013 Introduced by: Representatives Deutsch and Wiik and Senator Peterson (Jim)

A LEGISLATIVE COMMEMORATION, Commending and honoring the Sioux Valley School District Board of Education on receiving the Associated School Boards of South Dakota School Board Award of Excellence for 2014.

WHEREAS, the Sioux Valley School Board's performance objectives are best summed up in the district's motto of "Expect Excellence," and the board has set an ambitious agenda to improve both student achievement and school facilities; and

WHEREAS, the Sioux Valley School Board provides an excellent student experience in each area of student life including academics, activities, arts, and athletics; and the board has undertaken a variety of initiatives to improve student achievement, curriculum, and the services and opportunities it provides for all students; and

WHEREAS, the Sioux Valley School Board has created a "Drop Everything and Read Time," as a way to emphasize the importance of reading, but at the same time giving students a fun, self-directed break from the routine of the academic schedule:

NOW, THEREFORE, BE IT COMMEMORATED, by the Ninetieth Legislature of the State of South Dakota, that during 2015 the Sioux Valley School Board is hereby an official representative of the state and shall continue efforts to improve the educational opportunities for the students in this state.

Rep. Anderson moved that the House do now adjourn, which motion prevailed and at 4:18 p.m. the House adjourned.

Arlene Kvislen, Chief Clerk

